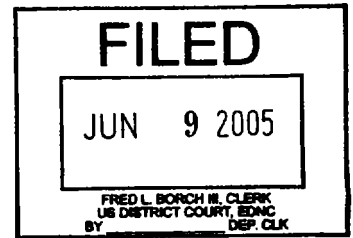


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:04-CR-211-BO(1)



UNITED STATES OF AMERICA)
) GOVERNMENT'S STATEMENT
) OF POTENTIAL
v.) PUBLIC AUTHORITY
) WITNESSES
) (Filed Under Seal with
DAVID A. PASSARO) the Court Security Officer)

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, in accordance with Fed. R. Crim. P. 12.3(a)(4)(C), hereby files this list of witnesses the government intends to call if the defense is permitted to litigate its public authority defense in this case.

1. On November 12, 2004, the Defendant filed his Notice of Intent to Assert Public Authority Defense.

2. On January 3, 2005 the Government responded to the notice and denied the defendant exercised the public authority identified in his notice. The Government has reviewed Defendant's most recent filings and maintains its position: that the Defendant did not exercise the public authority identified in the defense's motion.

3. As a result of a Government request under Fed. R. Crim. P. 12.3(a)(4)(A) on January 20, 2005, the defense filed an initial witness list identifying at least thirteen witnesses he intended to call in support of its public authority defense, while expressly reserving its right to supplement its list once discovery in this case has been completed (D.E. 78 at 3).

4. On May 10, 2005, the defense filed a supplemental statement of public authority witnesses with the Court. In this filing the defense listed seven new witnesses, including the current Director of the Central Intelligence Agency. Since the Government has a good faith basis to believe that each of the individuals listed in the defense's statement of public authority witnesses would either not be relevant to its public authority defense or in fact would provide testimony in actual opposition to it, the Government hereby fully incorporates and adopts the defense's list to this notice.¹ Additionally, the Government hereby files the following list of witnesses of which it intends to rely on to oppose the Defendant's public authority defense:²

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Central Intelligence Agency
Washington, DC 20505
(703) 874-3118

Gregory P.
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Washington, DC 20505
(703) 874-3118

¹ As such, the Government intends on filing a motion in limine, opposing and limiting any such defense based on these witnesses in the near future.

² In no way should the furnishing of any name on this list constitute a waiver of any right or privilege under law.

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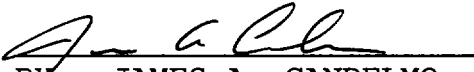
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Respectfully submitted, this 7th day of June, 2005.
FRANK D. WHITNEY
United States Attorney


BY: JAMES A. CANDELMO
Assistant United States Attorney
Criminal Division